



"Promoting consumer
choice and innovation
through advanced
facilities-based networks."

BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA¹

FILED ELECTRONICALLY

July 25, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29, MB Docket No. 05-311, and CSR -7108

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, The Broadband Service Providers Association (BSPA) submits this notice of an *ex parte* presentation in the above-captioned proceedings.

On July 24, 2007 Bill Heaston, Director, Governmental Affairs, PrairieWave; Richard Ramlall, SVP, Strategic & External Affairs, RCN; Gary Evans, CEO, Hiawatha Broadband; and I had meetings on behalf of the Broadband Service Providers Association (BSPA) with Michelle Carey, legal advisor to Chairman Martin, to discuss the Commission's rulemaking on the further extension of the prohibition against exclusive contracts as part of Section 628 and cable franchising related to existing competitive franchises and CSR-7108.

At these meetings we discussed the policy recommendations made by the BSPA and its members as part of comments filed in MB docket No. 07-29 and application of the new franchise rules adopted by the commission as part of MB Docket No. 05-311 as they might apply to existing competitive franchises as recommended in the Further Notice for Proposed Rulemaking for franchise reform.

In addition to the policy recommendations that were part of written comments submitted to the commission we discussed the current franchise negotiations between Knology and the City of Montgomery Alabama and the City of Huntsville Alabama. We also discussed the approval process underway at the Office of Management and Budget as it relates to the Paperwork Reduction Act and a letter filed by the BSPA in support of OMB's immediate approval of the new FCC Franchising Order.

¹ The current members of BSPA, all of which are last-mile, facilities-based providers, are: Everest Connections, Hiawatha Broadband, Knology, PrairieWave Communications, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945

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As a further matter we offered support for The America Channel (TAC) and its policy efforts related to the Petition of Comcast for Declaratory Ruling CSR-7108, referring to TAC sports programming carriage as an example of “must have” programming that has been agreed to with RCN and Hiawatha Broadband.

By: /s/
John Goodman, Executive Director,
BSPA
1601 K Street NW
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(202) 661-3945

cc: Michelle Carey

Broadband Service Providers Association (BSPA)
July 24, 2007 FCC Meeting Agenda
Michelle Carey

BSPA Attendees: Richard Ramlall, RCN
William "Bill" Heaston, Knology/PrairieWave
Gary Evans, Hiawatha Broadband
John Goodman, BSPA

1. Introduction

2. Program Access

- Assured access to programming is essential to competition. Any diminished access to content will harm both current and desired competition.
- We recommend extension of the current rules with strengthened enforcement procedures.
- A minimum of 5 years
- Better discovery with appropriate assured confidentiality
- 90 day complaint proceedings
- Use of binding arbitration to resolve pricing disputes
- The current rules have been historically essential and have caused no harm.
- We request FCC support to close the Terrestrial Loophole.

3. Broadband

- There is direct connection between effective program access rules and the further development of Broadband.
- New wireline investments will be for bundled services.
- Video revenues are essential for the economic success of capital investments. They represent from 35-55% of total network revenues.
- You cannot treat video and broadband issues as completely separate service offerings for wireline networks.
- Wireline networks offer compelling solutions to rural broadband issues.
- A new GAO Study should isolate and study different segments of the industry to identify the impact of different types of competitive markets and service offerings.

4. Franchising

- We fully support the application of the new FCC Franchising Rules to competitive franchise renewals.
- Knology examples from Huntsville and Montgomery.
- BSPA has endorsed OMB approval of the FCC Franchising Order.

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- Letter submitted to OMB.
- The net effect of the franchising order will be a reduction in paperwork, not an increase.